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Companies Worldwide, Inc. and K-Kel, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

The Spearmint Rhino Companies Worldwide, Inc.  
and K-Kel, Inc.,

Plaintiffs,

vs.

Chang's Dynasty LLC and Alan Chang,

Defendants.

Case No. 2:23-cv-02040

**COMPLAINT**

Plaintiffs The Spearmint Rhino Companies Worldwide, Inc. ("Spearmint Rhino") and K-Kel, Inc. ("K-Kel") (collectively Spearmint Rhino and K-Kel are "Plaintiffs"), by and through their attorneys, for their Complaint against Chang's Dynasty LLC ("Chang's Dynasty") and its General Manager, Alan Chang ("Mr. Chang") (collectively Chang's Dynasty and Mr. Chang are "Defendants") hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action to recover damages suffered by Plaintiffs based on Defendants' trademark infringement, unfair competition, and activities that are likely to, or have, cause confusion or dilute Spearmint Rhino's federally registered Spearmint Rhino

1 trademarks.

2 **THE PARTIES**

3 2. Plaintiff The Spearmint Rhino Companies Worldwide, Inc., is a Nevada  
4 corporation with its principal place of business at 1875 Tandem Way, Norco, California  
5 92860. Operating since 1992, by itself and/or through its predecessor company, Spearmint  
6 Rhino is world renowned in the branding of adult entertainment operating entertainment  
7 venues all across the United States, in the United Kingdom, and in Australia.

8 3. Plaintiff K-Kel, Inc. is a Nevada corporation with its principal place of  
9 business at 3340 S. Highland Drive, Las Vegas, Nevada 89109.

10 4. Plaintiffs are informed and believe that Defendant Chang's Dynasty LLC is a  
11 Nevada limited liability company with its principal place of business at 1531 Las Vegas  
12 Blvd. S, Las Vegas, Nevada 89104. Plaintiffs are informed and believe that defendant  
13 Chang's Dynasty is and has been offering and providing adult entertainment services under  
14 the name Peppermint Hippo. Plaintiffs are further informed and believe that Chang's  
15 Dynasty has authorized, directed, and /or actively participated in the wrongful conduct  
16 alleged herein.

17 5. Plaintiffs are informed and believe that Defendant Alan Chang is an  
18 individual who resides at 8925 W. Flamingo #227, Las Vegas, Nevada 89147. Plaintiffs are  
19 informed and believe that defendant Mr. Chang has authorized, directed, and /or actively  
20 participated in the wrongful conduct alleged herein.

21 **JURISDICTION AND VENUE**

22 6. This action is based on the Trademark Act of 1946 (the Lanham Act), as  
23 amended by the Trademark Dilution Revision Act of 2006 (TDRA)(15 U.S.C. §§ 1051, *et*  
24 *seq.*).

25 7. This Court has personal jurisdiction over Defendant Chang's Dynasty as it is  
26 a resident of the State of Nevada and further by maintaining businesses and transacting  
27 business within this district.

28 8. Upon information and belief, this Court has personal jurisdiction over

1 Defendant Mr. Chang as he is a resident of the State of Nevada and further by maintaining  
2 businesses and transacting business within this district.

3 9. This Court has subject matter jurisdiction over Plaintiff's claims pursuant to  
4 28 U.S.C. §§ 1338(a) and 1338(b) (trademark and unfair competition), 28 U.S.C. § 1331  
5 (federal question) and 15 U.S.C. § 1121 (Lanham Act).

6 10. Plaintiffs are informed and believe that venue is proper in this Court under 28  
7 U.S.C. § 1391(b) and (d) because Defendants reside in this district because a substantial part  
8 of the events giving rise to the claims arose in this district.

9 **FACTS MATERIAL TO THE CLAIMS ALLEGED HEREIN**

10 11. Spearmint Rhino licenses the SPEARMINT RHINO word mark and related  
11 design mark which are famous around the world in connection with adult entertainment  
12 services as well as restaurant and bar services. For many years prior to the events giving rise  
13 to this Complaint and continuing to the present, Spearmint Rhino annually has spent great  
14 amounts of time, money, and effort advertising and promoting the goods and services to  
15 which its trademarks are licensed for throughout the United States and in other countries.  
16 Through this investment and large sales, Spearmint Rhino has created considerable goodwill  
17 and reputation for high quality goods and services. Spearmint Rhino continuously has used  
18 these trademarks to distinguish its products and services.

19 12. Spearmint Rhino's trademarks are federally registered with the U.S. Patent  
20 and Trademark Office, as well as in foreign trademark offices; all are in full force and effect,  
21 and exclusively owned by the Plaintiff. Spearmint Rhino has continuously used each of its  
22 trademarks, from the registration date or earlier, until the present and during all time periods  
23 relevant to Spearmint Rhino's claims.

24 13. Among its marks, Spearmint Rhino owns the famous SPEARMINT RHINO  
25 (word mark) under U.S. Trademark Registration No. 2129965, registered on January 20,  
26 1998. Spearmint Rhino has used the SPEARMINT RHINO (word mark) continuously since  
27 October 15, 1992, for adult cabaret services. Attached as **Exhibit A** is a copy of the USPTO  
28 Certificate of Registration.

1           14.     Spearmint Rhino also owns, among others, the following U.S. trademark  
2 registrations for the SPEARMINT RHINO word mark and related design, attached as  
3 **Exhibit B:**

- 4                   a.   U.S. Trademark Registration No. 2712739 (first used as early as  
5                               1992);  
6                   b.   U.S. Trademark Registration No. 3189326 (first used as early as  
7                               1992).

8           15.     The Spearmint Rhino trademarks (as shown in **Exhibits A** and **B** as well as  
9 the associated common law rights (collectively the Spearmint Rhino Marks) are famous and  
10 are recognized around the world and throughout the United States as signifying high quality  
11 venues for adult entertainment services.

12          16.     Plaintiff K-Kel maintains a license to the Spearmint Rhino Marks for use at  
13 the venue it maintains at 3340 S. Highland Drive, Las Vegas, Nevada 89109.

14          17.     Defendant Chang's Dynasty LLC's founder and General Manager is Mr.  
15 Chang. Mr. Chang previously worked for Spearmint Rhino Gentlemen's Club – Las Vegas,  
16 K-Kel, Inc., from 2007 to 2014.

17          18.     Plaintiffs are informed and believe that Chang's Dynasty, at the direction of  
18 its General Manager, Mr. Chang, has in the past and continues to offer and provide adult  
19 entertainment services as well as restaurant and bar services using the designation  
20 PEPPERMINT HIPPO (the "Peppermint Hippo designations") that are confusingly similar to  
21 Plaintiffs' Spearmint Rhino Marks.

22          19.     Upon information and belief, Defendants maintain places of business in  
23 Akron, OH, Toledo, OH, Neenah, WI, Pineville, MO, Little Rock, AR, Fayetteville, AR,  
24 Reno, NV and Las Vegas, NV which provide adult entertainment services using the  
25 Peppermint Hippo designations.

26          20.     Defendants promote their services, *inter alia*, via the website  
27 <https://thepepperminthippo.com/>.

28     ///

1           21. Chang's Dynasty has obtained U.S. trademark registrations for the  
2 PEPPERMINT HIPPO (word mark) under U.S. Trademark Registration No. 7150593 on  
3 August 29, 2023, and the Peppermint Hippo (design mark) under U.S. Trademark  
4 Registration No. 5996838 on February 25, 2020, both for adult entertainment services.

5           22. Plaintiffs are informed and believe that Chang's Dynasty, through the  
6 direction of Mr. Chang, chose to use and register the Peppermint Hippo designations with the  
7 intention to create an association with the Spearmint Rhino Marks.

8           23. Plaintiffs are informed and believe that Chang's Dynasty's, through the  
9 direction of Mr. Chang, use of the Peppermint Hippo designations has and will cause  
10 consumer confusion and blurring with the Spearmint Rhino Marks.

11           24. Spearmint Rhino is informed and believes that Defendants are and have been  
12 using unfair search engine optimization (SEO) strategies by using keywords and ad words  
13 that are confusingly similar to Plaintiff's Spearmint Rhino trademark thereby diverting and  
14 redirecting web traffic intended for Plaintiff's spearmintrhino.com website to Defendants'  
15 website at thepepperminthippo.com. Examples of SEO key words used by Defendants are  
16 "peppermint rhino vegas", "peppermint rhino las vegas", "peppermint rhino london",  
17 "peppermint rhinoceros", and "spearmint rhino locations."

18           25. Upon information and belief, Defendants have not used such unfair SEO with  
19 the names of other adult entertainment services, which further confirms their intent to cause  
20 consumer confusion and blurring with the Spearmint Rhino Marks.

21           26. Plaintiffs are informed and believe that Defendants have and continue to offer  
22 and provide adult entertainment services under the Peppermint Hippo designations, and  
23 continue to obtain substantial, unfair profits thereby from their intentional and willful acts of  
24 trademark infringement, unfair competition and dilution.

25           27. Upon information and belief, Defendants have unfairly benefited through  
26 their acts of trademark infringement, including by redirecting consumer traffic to  
27 Defendants' location which would otherwise visit the Spearmint Rhino venue maintained by  
28 K-Kel and by profiting off of Spearmint Rhino's reputation and substantial advertising.

28. Upon information and belief, Defendants' conduct complained of herein has further injured Spearmint Rhino by diluting and diminishing the value of its famous mark.

**FIRST CLAIM**  
**FEDERAL TRADEMARK INFRINGEMENT**  
**(15 U.S.C. §§ 1114-1117; Lanham Act § 32)**  
**(Against All Defendants)**

29. Plaintiffs reallege and incorporate by reference each of the allegations contained in Paragraphs 1 through 28 of this Complaint.

30. Without Spearmint Rhino's consent, Defendants have used, in connection with the provision of adult entertainment services, a confusingly similar trademark that infringes upon the federally registered Spearmint Rhino Marks.

31. These acts of trademark infringement have been committed with the intent to cause confusion, mistake, or deception, and are in violation of 15 U.S.C. § 1114.

32. As a direct and proximate result of Defendants' infringing activities, Plaintiffs have suffered substantial damages.

33. Defendants' infringement of the federally registered Spearmint Rhino Marks as alleged herein is an exceptional case and was intentional and willful, entitling Plaintiffs to treble their actual damages and to an award of attorney's fees under 15 U.S.C. §§ 1117(a) and 1117(b).

**SECOND CLAIM**  
**FEDERAL UNFAIR COMPETITION**  
**(False Designation of Origin and False Description)**  
**(15 U.S.C. § 1125(a); Lanham Act § 43(a))**  
**(Against All Defendants)**

34. Plaintiffs reallege and incorporate by reference each of the allegations contained in paragraphs 1 through 33 in this Complaint.

35. Defendants' conduct constitutes the use of symbols or devices tending falsely to describe the origin of the services, within the meaning of 15 U.S.C. § 1125(a)(1). Defendants' conduct is likely to cause confusion, mistake, or deception by or in the public as to the affiliation, connection, association, origin, sponsorship or approval of the infringing trademark and services to the detriment of Plaintiffs and in violation of 15 U.S.C.

§ 1125(a)(1).

36. As a direct and proximate result of Defendants' willful infringing activities, Plaintiffs have suffered substantial damage entitling Plaintiffs to treble their actual damages and to an award of attorney's fees under 15 U.S.C. §§ 1117(a) and 1117(b).

**THIRD CLAIM**  
**FEDERAL DILUTION OF FAMOUS MARKS**  
**(Trademark Dilution Revision Act of 2006 (TDRA))**  
**(15 U.S.C. § 1125(c); Lanham Act § 43(a))**  
**(Against All Defendants)**

37. Plaintiffs reallege and incorporate by reference each of the allegations contained in paragraphs 1 through 36 in this Complaint.

38. The Spearmint Rhino Marks are distinctive and famous within the meaning of 15 U.S.C. § 1125(c), as amended.

39. Defendants' activities as alleged herein, both separately and collectively, have diluted or are likely to dilute the distinctive quality of the Spearmint Rhino Marks in violation of the Trademark Dilution Revision Act of 2006, 15 U.S.C. § 1125(c), as amended.

40. Because Defendants willfully intended to trade on Spearmint Rhino's reputation and/or to cause dilution of Spearmint Rhino's famous trademarks, Plaintiffs are entitled to damages, extraordinary damages, fees and costs pursuant to 15 U.S.C. § 1125(c)(2) and §§ 1117(a) and 1117(b).

**FOURTH CLAIM**  
**CANCELLATION OF REGISTRATION**  
**(15 U.S.C. § 1064(1); Lanham Act § 14(1))**  
**(Against Chang's Dynasty)**

41. Spearmint Rhino realleges and incorporates by reference each of the allegations contained in paragraphs 1 through 40 in this Complaint.

42. The Spearmint Rhino Marks became distinctive and famous prior to the filing dates of Chang's Dynasty's applications for U.S. Trademark Registration No. 7150593 and U.S. Trademark Registration No. 5996838, or any other date on which Defendants may rely for purposes of priority.

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43. Chang's Dynasty's Peppermint Hippo Marks under U.S. Trademark Registration No. 7150593 and U.S. Trademark Registration No. 5996838 impair the distinctiveness and cause dilution by blurring of, and thereby damage, Plaintiff's famous Spearmint Rhino Marks in violation of 15 U.S.C. § 1125(c). Accordingly, pursuant to 15 U.S.C. § 1064, Chang's Dynasty's Peppermint Hippo Marks under U.S. Trademark Registration No. 7150593 and U.S. Trademark Registration No. 5996838 should be cancelled.

### **JURY DEMAND**

Plaintiffs hereby requests a trial by jury on all matters to which it is entitled to trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs pray for the following:

A. A judgment that Spearmint Rhino's trademark has been infringed by Defendants in violation of 15 U.S.C. § 1114;

B. A judgment that Defendants have competed unfairly with Plaintiffs in violation of Plaintiffs' rights under 15 U.S.C. 1125(a);

C. A judgment that Defendants' activities are likely to, or have, diluted Spearmint Rhino's famous trademark in violation of 15 U.S.C. 1125(c);

D. A judgment that the foregoing violations were done willfully;

E. A judgment that Plaintiffs recover from Defendants their damages and lost profits in an amount to be proven at trial;

F. A judgment that Defendants be required to account for any profits that are attributable to its illegal acts, and that Plaintiffs be awarded the greater of (1) three times Chang's Dynasty's profits or (2) three times any damages sustained by Plaintiffs, under 15 U.S.C. § 1117, plus prejudgment interest;

G. Order an accounting of and impose a constructive trust on all of Defendants' funds and assets that arise from this infringing activities;

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1 H. A judgment directing the Director of Trademarks of the U.S. Patent and  
2 Trademark Office to cancel the registrations or refuse the registration for any and all  
3 PEPPERMINT HIPPO trademarks owned by the Defendant;

4 I. A judgment awarding Plaintiffs their costs and disbursements incurred in  
5 connection with this action, including Plaintiffs' reasonable attorney's fees and investigative  
6 expenses; and

7 J. A judgment awarding Plaintiffs all such other reliefs as this Court deems just  
8 and proper.

9 DATED this 8th day of December, 2023.

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